

REMARKS

Claims 1-14 are presented for examination, of which Claims 1, 13, and 14 are in independent form.

In the Office Action dated December 15, 2003, Claims 1-3, 8, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,251 (Kurobe et al.), and Claims 4-7 and 9-12 were rejected under Section 103(a) as being unpatentable over Kurobe et al. in view of U.S. Patent No. 5,375,068 (Palmer et al.).

On March 15, 2004, Applicant filed a Request For Reconsideration in the U.S. Patent and Trademark Office in response to the Office Action. The teachings of at least the primary reference, Kurobe et al., were discussed in, *inter alia*, the mentioned Request For Reconsideration. The Examiner is respectfully referred thereto. Applicant still strongly believes that all of the pending claims are patentable over the prior art relied on in the Office Action for the reasons set forth in the Request For Reconsideration.

In an Advisory Action dated April 15, 2004, it was asserted that:

Kurobe discloses, in Fig. 4, that fixed-length of the variable length slot is divided into variable-length slot 1 (speech) and variable-length slot 2 (video). The size of the video slot differs in a speech period and a silent period. That is the length of the variable-length (video) slot 2 is increased/ decreased depending on the length of the variable-length (speech) slot 1. As Fig. 4 illustrates, in a silent period video is transmitted in the maximum length for slot 2. In a speech period the length of slot 2 is shortened based on the length of slot 1. Therefore, this shows that a ratio of an amount of image data to an amount of sound data exists such that when the ratio is zero the image data is the max length and when the ratio is speech/image then the speech length is predetermined to "x" length and the image length is (max - "x") length.

Applicant has carefully studied the foregoing assertion, and now offers the following comments in response thereto.

It appears in view of the assertion that the Examiner considers the variable-

length slot 1 of Kurobe et al. to correspond to speech (audio) data, and considers the variable-length slot 2 to correspond to video (image) data. However, in independent Claims 1, 13, and 14 of the present application, it is specified that sound data is divided into packets of "invariable size." Therefore, the Examiner's interpretation of Kurobe et al. teaches away from such a feature of the independent claims.

Further, it is respectfully submitted that the Examiner has misunderstood the "ratio" feature of the independent claims, in view of the statement in the Advisory Action that the ratio of image data to sound data may be "zero" for the Kurobe et al. system. According to Kurobe et al., the variable-length slot 1 for speech data "is a predetermined fixed length when data to be stored exists and is zero with no data to be stored." (See the Abstract.) Clearly, if the length of the slot for speech data is zero, then a ratio of the amount of video data to the amount of speech data is not zero but instead is infinite! It appears that the Examiner has inverted the ratio from the claimed (video data)/(speech data) to (speech data)/(video data).

Applicant asserts that nothing in Kurobe et al. is believed to disclose or suggest the above-noted features of Claims 1, 13, and 14. Accordingly, those claims are believed to be patentable over each of the references.

A review of the other references relied on in the Office Action has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of Kurobe et al. against the independent claims herein. Accordingly, those claims are believed to be patentable over those references.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable over

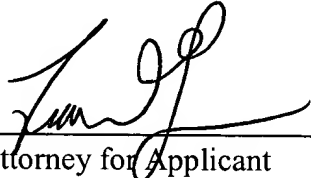
Kurobe et al. for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's representative intends to request an interview with the Examiner to discuss the remarks set forth above, in order to clarify the Examiner's understanding of Kurobe et al. If the Examiner takes this paper up for action prior to the interview being contacted, the Examiner is respectfully requested to contact the attorney below to schedule the interview.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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